

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 483 Carbon Monoxide Detectors
SPONSOR(S): Jobs & Entrepreneurship Council, Gonzalez and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1822

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Business Regulation</u>	<u>9 Y, 0 N</u>	<u>Livingston</u>	<u>Liepshutz</u>
2) <u>Jobs & Entrepreneurship Council</u>	<u>15 Y, 0 N, As CS</u>	<u>Livingston</u>	<u>Thorn</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Currently, s. 509.211, F.S., relates to "safety regulations" for public lodging establishments. Chapter 554, F.S., is the "Boiler Safety Act" and applies to the operation of boilers that are defined as "a closed vessel in which water or other liquid is heated....under pressure or vacuum, for use external to itself, by the direct application of energy from the combustion of fuels or from electricity or solar energy.

The bill requires enclosed spaces or rooms in public lodging establishments which contain a boiler that is heated by combustion of fuels, to be equipped with certified carbon monoxide sensor devices. The devices are required to be integrated with the public lodging establishment's fire detection system.

Currently, part IV of chapter 553, F.S., is the "Florida Building Code."

Beginning July 1, 2008, the bill requires construction of new buildings that will contain a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage must have an approved operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes.

The bill requires the Florida Building Commission to adopt rules applicable to these installations and to incorporate the requirements into its next revision of the Florida Building Code.

The effective date of the bill is July 1, 2007.

Fiscal

According to the Department of Business and Professional Regulation, the proposed legislation will not impact revenues and will carry a cost to the department associated with rule development. These costs are currently indeterminate. The department suggests that they will incur additional costs if it is determined that the department is responsible for the implementation and enforcement of the new standards contained in the bill. According to the Department of Community Affairs, the Florida Building Commission can absorb any costs within existing resources.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government; ensure lower taxes; safeguard individual liberty; promote personal responsibility; empower families; maintain public security:

The bill specifies that it is the legislative purpose and intent in the adoption of this act to provide proper protection regulations in the best interest of the health, safety, and welfare of the citizens of this state and to create safety regulations requiring carbon monoxide detectors.

B. EFFECT OF PROPOSED CHANGES:

Present situation

Public lodging establishments

Section 509.211, F.S., relates to “safety regulations” for public lodging establishments [and public food service establishments]. Public lodging establishments are defined to mean, with exceptions, “any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.”

Boiler rooms

Chapter 554, F.S., is the “Boiler Safety Act” and applies to the operation of boilers as defined to mean “a closed vessel in which water or other liquid is heated....under pressure or vacuum, for use external to itself, by the direct application of energy from the combustion of fuels or from electricity or solar energy.”

Building codes

In 1974, the Legislature established a set of statewide standards known as the State Minimum Building Codes. For the first time, local governments in Florida were required to adopt building codes to govern the construction, erection, alteration, repair or demolition of any buildings in their jurisdictions, and these codes had to be at least as stringent as the state's minimum standards.

Permits are required to be obtained at specific junctures in the process of building construction. Permits require inspections to certify that the construction is conducted in compliance with the appropriate building code standards. Currently, s. 553.73, F.S., is the Florida Building Code.

Construction contracting

Construction contracting is regulated under part I of chapter 489, F.S. With certain statutory exemptions from licensure, construction contractors are regulated by the Construction Industry Licensing Board (CILB) within the Department of Business and Professional Regulation (DBPR). Contractors must either be certified (i.e., licensed by the state to contract statewide), or registered (i.e., licensed by a local jurisdiction and registered by the state to contract work within the geographic confines of the local jurisdiction only).

The CILB is statutorily divided into two divisions, I and II. Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors. Division II has jurisdiction over

the remaining contractors under the CILB, including roofing, plumbing, mechanical, sheet metal, air-conditioning, pool and spa, solar, pollutant storage systems, and underground utility contractors.

The "scope of work" for which licensure is required is specified in statute by definition. Each definition of the various professions is known as the "practice act" for that profession and establishes the guidelines for the individual practitioners.

Electrical and alarm system contracting

The Electrical Contractors Licensing Board (ECLB) within the DBPR regulates electrical contractors and alarm system contractors. Electrical contractors and alarm system contractors are regulated pursuant to part II, of chapter 489, F.S. The scope of work of an electrical contractor includes alarm systems. Part of the grounds for disciplinary action by the ECLB includes when the alarm system contractor or certified electrical contractor violates chapter 633, F.S., or the rules of the State Fire Marshal. The DBPR also has authority to issue stop-work orders for work on a project if there is cause to believe that work is being performed by an unlicensed alarm system contractor or unlicensed electrical contractor performing alarm system work.

Section 489.513, F.S., requires registration in the proper classification of electrical or alarm system contracting. A registered contractor may contract only in the local jurisdiction for which his or her registration is issued. Certification by the ECLB permits the contractor to engage in the business of contracting in any jurisdiction in the state.

Effect of proposed changes

The bill amends s. 509.211, F.S., relating to "safety regulations" for public lodging establishments [and public food service establishments]. The provisions of section 1 of the bill apply to the operation of boilers, regulated under chapter 554, F.S., the "Boiler Safety Act," in public lodging establishments.

The bill requires enclosed spaces or rooms in public lodging establishments which contain a boiler that is heated by combustion of fuels, to be equipped with carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory. The devices are required to be integrated with the public lodging establishment's fire detection system.

The sensors are not required if the Division of Hotels and Restaurants determines that carbon monoxide hazards have otherwise been adequately mitigated.

The bill also amends part IV of chapter 553, F.S., the "Florida Building Code."

The bill defines "carbon monoxide detector" to mean "a device that is meant for the purpose of detecting carbon monoxide, that produces a distinct audible alarm, and that meets the requirements of and is approved by the Florida Building Commission." The bill defines "fossil fuel" to mean fuel that emits carbon monoxide as a by-product of combustion.

The bill requires that, beginning July 1, 2008, every building for which a building permit is issued for new construction must have an approved operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes if the building will have:

- a fossil-fuel-burning heater or appliance,
- a fireplace, or
- an attached garage.

The bill requires the Florida Building Commission to adopt rules applicable to these installations and to incorporate the requirements into its next revision of the Florida Building Code.

C. SECTION DIRECTORY:

Section 1. Amends s. 509.211, F.S., to require carbon monoxide sensor devices in boiler rooms located on the premises of public lodging establishments under certain circumstances.

Section 2. Creates s. 553.885, F.S., to require new buildings constructed after July 1, 2008 that contain a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage to have an approved operational carbon monoxide alarm installed in certain locations on the premises.

Section 3. Effective date - July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate, potential increase.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The department anticipates indeterminate costs and benefits to the private sector.

D. FISCAL COMMENTS:

According to the department, an indeterminate increase in expenditures is expected with regard to the development of rules. Additional costs may also arise if the department is required to participate in the implementation and enforcement of the provisions of this legislation. According to the Department of Community Affairs, the Florida Building Commission can absorb any costs within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None noted.

B. RULE-MAKING AUTHORITY:

The Division of Hotels and Restaurants is required to adopt rules for the implementation of the provisions of the bill relating to public lodging establishments.

The bill requires the Florida Building Commission to adopt rules applicable to installations of alarms in newly constructed buildings.

C. DRAFTING ISSUES OR OTHER COMMENTS:

NA

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 22, 2007, the Committee on Business Regulation adopted three amendments and passed the bill out of committee by unanimous vote.

The amendments

- Remove smoke detectors from the provisions of the bill and apply the requirements for the installation of carbon monoxide detectors to newly constructed and existing residential facilities for single-family dwellings, multi-family dwellings and rental properties;
- Require public lodging establishments to install carbon monoxide devices in machine rooms.

On April 19, 2007, the Jobs & Entrepreneurship Council adopted a Council Substitute and reported the CS out of Council by unanimous vote.

The CS differs from the original bill by

removing smoke detectors from the provisions of the bill;

applying the requirements for the installation of carbon monoxide detectors to newly constructed buildings that are constructed to contain a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage;

requiring public lodging establishments to install carbon monoxide devices in boiler rooms.